

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUAN PIMENTAL, on behalf of himself and
others similarly situated,

Plaintiff,

-against-

PAX VENTURES, LLC, *et al.*,

Defendants.

19cv01846 (DF)

ORDER OF DISMISSAL

DEBRA FREEMAN, United States Magistrate Judge:

In this action under the Fair Labor Standards Act and the New York Labor Law, which is before this Court on the consent of the parties pursuant to 28 U.S.C. § 636(c), the parties, having reached an agreement in principle to resolve the action, have placed their proposed settlement agreement before the Court for approval. *See Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 1999 (2d Cir. 2015) (requiring judicial fairness review of FLSA settlements). The parties have also submitted a letter to the Court, explaining why they believe the proposed settlement agreement is fair, reasonable, and adequate (Dkt. 32; *see also* Dkt. 33 (attorneys' billing statement)); further, at the Court's request, the parties have clarified their requests as to the nature of the dismissal they are seeking (*i.e.*, with or without prejudice) with respect to the different named defendants (*see* Dkt. 36). The Court has reviewed the parties' submissions in order to determine whether the proposed agreement (Dkt. 32-1) represents a reasonable compromise of the claims asserted in this action, and, in light of the totality of the relevant circumstances, including the representations made in the parties' letters, the terms of the proposed settlement agreement, and the Court's general familiarity with the action, it is hereby ORDERED that:

1. The Court finds that the terms of the proposed settlement agreement are fair, reasonable, and adequate, both to redress Plaintiff's claims in this action and to compensate Plaintiff's counsel for their legal fees, and the agreement is therefore approved.

2. The Court notes the parties have requested that the Court retain jurisdiction over this action, solely for purposes of enforcing their agreement. (*See* Dkt. 32.) In light of this, and in order to effectuate the evident intent of the parties, this Court will retain jurisdiction over this matter for the purpose of enforcing the settlement agreement.

3. As a result of the Court's approval of the parties' executed settlement agreement, this action is hereby discontinued in its entirety without costs or fees to any party, and with prejudice as to all defendants except defendant George Lotfala, as to whom, at the parties' request, this dismissal shall be without prejudice. (*See* Dkt. 36.) The Clerk of Court is directed to close this case on the Docket of the Court.

Dated: New York, New York
February 8, 2021

SO ORDERED



DEBRA FREEMAN
United States Magistrate Judge

Copies to:

All counsel (via ECF)